

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:

TAKI TOOO  
DCA-03-MM-035

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Thursday,  
June 19, 2003

INTERVIEW OF:

PAUL ABSHER

PRESENT:

BOB FORD  
LIEUTENANT GILMORE  
BILL WOODY  
KENNETH LAWRENSEN

1 P R O C E E D I N G S

2 MR. FORD: Okay. It is June 19, 2003. My  
3 name is Bob Ford. I am an investigator with the  
4 National Transportation Safety Board. I will have  
5 the others around the table introduce themselves.

6 MR. WOODY: Bill Woody, NTSB.

7 LIEUTENANT GILMORE: Lieutenant Gilmore,  
8 Coast Guard, and Ken Lawernson. from Coast Guard  
9 will be joining us in a minute.

10 MR. FORD: Okay. If you could state your  
11 name, sir?

12 MR. ABSHER: Paul Absher, U.S. Coast Guard.

13

14 MR. FORD: And that is spelled A-B-S-H-E-R.

15 MR. ABSHER: Correct.

16 MR. FORD: And your years with the Coast  
17 Guard?

18 MR. ABSHER: Almost eight years.

19 MR. FORD: Eight years. And can you tell us  
20 a little bit about your experience in the Coast  
21 Guard?

22 MR. ABSHER: When I got out boot camp, I  
23 went to the Coast Guard Cutter Morgan -- in Alameda,  
24 California. I was there for a little over three  
25 years. And then, from there I went to Coast Guard

1 Station Golden Gate, California, and I was there for  
2 five months and then here, I have been here for a  
3 little over five years.

4 MR. FORD: Okay. And what do you qualify on  
5 the boat as?

6 MR. ABSHER: A Coxswain.

7 MR. FORD: And your age is?

8 MR. ABSHER: Thirty.

9 MR. FORD: Okay. And you have some knowledge  
10 regarding an incident that happened on Saturday,  
11 June 14 with the Taki Too, correct? Could you tell  
12 us what happened on Saturday, that morning?

13 MR. ABSHER: Basically what happened, I went  
14 out to get a first light bar report, left around  
15 quarter to five from the dock and I got out there, I  
16 was the only boat out there at the time. And I  
17 guess maybe around quarter to seven, seven o'clock,  
18 that is when the charter boats started to show up.  
19 And of course, they were just maintaining their  
20 positions at the bar because it was pretty rough and  
21 they were just trying to negotiate it. And I just  
22 sat down by the tower is pretty much where my  
23 position was, so they could maneuver around if they  
24 needed to. If they decided they didn't want to go  
25 out, they would come back in and they had enough

1 room to do so.

2 And then I just pretty much watched them  
3 from there. And then the first boat, which was the  
4 Norwester, started to go. So, I started making my  
5 way up slowly towards the bar just in case something  
6 happened, we would be there, you know, to respond to  
7 it. And he made it across. And then the Oakland  
8 Pilot went out, same thing, I moved up to the bar  
9 because after one would go out, I would reposition  
10 myself next to the tower, just so they would have  
11 more room. The Oakland Pilot went out, I moved up  
12 to the bar again and then he made it across. And  
13 same thing. And then the D&D and then the Taki Too  
14 not long after that.

15 And then when the Taki Too went out, I made  
16 my way up to the bar again, I guess where Tower 3  
17 is, that is about where I was. I saw him go across  
18 and I saw some breaks coming in and I just had a  
19 feeling he wasn't going to make it. And then I  
20 couldn't see him anymore. I just know he was really  
21 close to the north tip. And he, I lost a visual on  
22 him at that point and I couldn't see him from where  
23 I was sitting on the inside. And then that is when  
24 I waited until, have the tower tell me whether or  
25 not he capsized and that is when they told me he

1       didn't make it. And then at that point I, we had  
2       surf belts on, we were already ready, prior to these  
3       boats going out. And when he told me that the boat  
4       that had capsized, I just had to sit there for, it  
5       didn't even seem like a minute, but, so I could get  
6       safe passage out across the bar. And once I had my  
7       window, I took it and went.

8               When I first got out there and I started  
9       going across, I looked over about a second or two  
10      and I could see how close the Taki Too was next  
11      to the jetty tip. And I don't remember, I think I  
12      saw one or two people in the water. But, I was  
13      really trying to pay attention, I was trying to get  
14      out across. It was pretty, pretty big out there.  
15      And then I realized once I got out across, I  
16      couldn't attempt the rescue safe enough, (1) because  
17      it exceeded my, my qualifications. And (2) they  
18      were just too close to the rocks and I didn't want  
19      to add to the problem.

20             MR. FORD: Can you estimate the time between  
21      when the D&D went out and when the Taki too went  
22      out?

23             MR. ABSHER: Time interval.

24             MR. FORD: Yes.

25             MR. ABSHER: I would have to say

1 approximately maybe five, 10 minutes, somewhere in  
2 there.

3 MR. FORD: Five to 10 minutes.

4 When you saw the D&D go out, how did you  
5 feel about him leaving? Were you comfortable with  
6 it?

7 MR. ABSHER: I wasn't comfortable with any  
8 of them leaving.

9 MR. FORD: That is where I am going, okay.  
10 Tell me why?

11 MR. ABSHER: Well, I know I didn't want to  
12 go across. I mean, it was just, it was just too  
13 bad, you know, I was just really hoping that they  
14 would change their mind. I have seen in the past  
15 where they go out with a few people and it not be as  
16 bad and turn around and go back to the dock.

17 MR. FORD: Is there anything you saw with  
18 the three vessels that you could specifically tell  
19 us what really gave you, your heart stopping?

20 MR. ABSHER: Well, when the Norwester went  
21 out specifically, I saw that he, he really took them  
22 pretty good. I mean, it wasn't breaking, it was  
23 just really steep, I just remember seeing the stern  
24 just go way up in the air and come back down.

25 MR. FORD: I heard the expression "stood

1 up".

2 MR. ABSHER: Right.

3 MR. FORD: Is that what it was, happened?

4 And how about the Oakland Pilot, did you see  
5 anything with him getting stood up?

6 MR. ABSHER: No, no, I don't remember.

7 MR. FORD: And then the D&D, you saw him go  
8 out, any incident there?

9 MR. ABSHER: I saw him go out, but when,  
10 where I was sitting next to the jetty, because you  
11 have to understand where I was sitting over there  
12 for a reason, because I am more towards the middle  
13 and the south side, it was breaking there, so I was  
14 trying to avoid that. And, well, of course, they  
15 were, too, when they inside the tip, so, once they  
16 reached a certain point, I couldn't really see them  
17 anymore. I would just rely on the tower to let me  
18 if they made it or not.

19 MR. FORD: How close did you get to the  
20 north jetty when you came out?

21 MR. ABSHER: Well, I tried to avoid it.  
22 Typically we like to stay out at least 100 yards  
23 from it, but, I know it was closer to it than that.  
24 I would say around 50, 75 yards.

25 MR. FORD: Did you see any debris in the

1 water?

2 MR. ABSHER: From the boat. I saw life, the  
3 life raft.

4 MR. FORD: Beyond anything from the boat,  
5 any debris like logs, crab pots, something which  
6 would not have come from the Taki Too?

7 MR. ABSHER: No, I didn't see anything like  
8 that, only after, only after, once the Master Chief  
9 had come up onto the boat and we could actually go  
10 into the surf, there were logs and stuff where the  
11 Taki Too was.

12 MR. FORD: How long afterwards?

13 MR. ABSHER: That was at least 30, 45  
14 minutes.

15 MR. FORD: Okay. And 30, 45 minutes, I had  
16 better pull out one of these charts to show me the  
17 area where you saw the debris. Just as a general  
18 marking. Just mark where you saw the debris.

19 MR. ABSHER: Okay.

20 (Pause.)

21 MR. ABSHER: I would say right in this area  
22 here.

23 MR. FORD: Okay. And were they large logs?

24 MR. ABSHER: Yes, there were large logs,  
25 there were small logs.



1                   MR. FORD: What was, can you give me an  
2                   estimate on the largest one you saw?

3                   MR. ABSHER: I would say about 10 feet,  
4                   maybe two or three feet around. I remember having  
5                   like, it looked like limbs and roots or something  
6                   attached to it.

7                   MR. FORD: Okay. All right.

8                   MR. ABSHER: But, going out across, I didn't  
9                   see any of the debris there. Of course, you know, I  
10                  was trying to watch where I was going, too.

11                  MR. FORD: You are obviously experienced in  
12                  picking out the holes, as they call it, how, how  
13                  easy was it to pick out the holes that morning?

14                  MR. ABSHER: It wasn't. It wasn't. Like I  
15                  said, when I went out, you know, I know they  
16                  explained to you, guys, the lull and all of that,  
17                  but, there really wasn't much of that going on out  
18                  there. It was just a break, really, really choppy  
19                  and big and then some more breaks would come in.  
20                  When I went out across, we stood about 14 feet up in  
21                  the air and I remember looking at, looking at some  
22                  of the swells that were coming through, really  
23                  steep.

24                  MR. FORD: Now, you watched the Taki as it  
25                  made its run, correct?

1 MR. ABSHER: Yes.

2 MR. FORD: Now we were told, I am not trying  
3 to put words in your mouth, I am just going, we were  
4 told it did a number of turns, and then it went.  
5 And can you describe the location, maybe even if you  
6 have to draw it there.

7 MR. ABSHER: Certainly.

8 MR. FORD: I want to know if it departed  
9 from a certain area, and then just kept going or  
10 turned and went, say for the entire procedure that  
11 you saw him go.

12 MR. ABSHER: Okay. It was -- that day, and  
13 it was pretty -- and this would be the north and  
14 this would be the south jetty. Here is the tower  
15 here. I was sitting here and here watching them and  
16 they were in this area here. And what they do is,  
17 of course, when they start drifting out, you know,  
18 the charter negotiated and tried to find that lull  
19 period to go and if they get too close, they will  
20 just turn around and come back and then turn back  
21 around and watch again, because they get pushed out  
22 and they don't, you know, want to do that.

23 MR. FORD: Understand.

24 MR. ABSHER: So, they just, the boat  
25 continued to do that until they are ready to go.

1 MR. FORD: Okay.

2 MR. ABSHER: To find that open.

3 MR. FORD: Okay. Could you determine when  
4 it finally decided to go that there was a lull,  
5 could you see that or are you saying you still could  
6 not identify a lull?

7 MR. ABSHER: I couldn't identify it.

8 MR. FORD: And how long have you been in  
9 this, at this station?

10 MR. ABSHER: A little over five years.

11 MR. FORD: Five years you have been here.

12 MR. ABSHER: Yes.

13 MR. FORD: Okay.

14 MR. ABSHER: February, five years.

15 MR. FORD: February, five years, okay.

16 Bill?

17 MR. WOODY: Now, what, you have first light  
18 to make a bar report, about what time would you say?

19 MR. ABSHER: When I left the dock it was  
20 about quarter to six, or quarter to five, rather.

21 MR. WOODY: Four forty five.

22 MR. ABSHER: Correct.

23 MR. WOODY: And how long, what time did you  
24 reach the bar then?

25 MR. ABSHER: What time we got there?

1 MR. WOODY: Yes.

2 MR. ABSHER: It doesn't take that long, five  
3 minutes.

4 MR. WOODY: Five minutes. Okay. Five  
5 minutes to the bar.

6 Have you seen the boats go out with worse  
7 conditions then you saw that day? Have you seen the  
8 charter fishing boats?

9 MR. ABSHER: No, I don't ever recall they  
10 going out on a day like that, that I remember,  
11 specifically.

12 MR. WOODY: And how many days a week would  
13 you be there, I mean, probably some days you weren't  
14 there when it was worse.

15 MR. ABSHER: Right. Well, like, let's see.

16 (Pause.)

17 MR. ABSHER: I would say around six days,  
18 maybe less than that, that I am there specifically.

19 MR. WOODY: Okay. -- how many days?

20 MR. ABSHER: Okay.

21 MR. WOODY: We realize you have a duty  
22 section.

23 MR. ABSHER: Okay. I am on, I am trying to  
24 figure out.

25 MR. WOODY: Just tell me your watch routine.

1           MR. ABSHER: Okay. The watch that we have is  
2     like, we work two days on and two days off.

3           MR. WOODY: Okay.

4           MR. ABSHER: And out of one of those, I am  
5     here, on those two days that I am on. And then, you  
6     know, I get up and do the bar report that morning  
7     and then the other coxswain, for the next evening  
8     will do it the next morning.

9           MR. WOODY: Are you, how many coxswain are  
10    there in a duty section?

11          MR. ABSHER: Two.

12          MR. WOODY: There are two. And so --

13          MR. ABSHER: So, I would say around, during  
14    the week, maybe three times, three to four times I  
15    go out there.

16          MR. WOODY: Three times.

17          MR. ABSHER: And then every other weekend I  
18    am on duty.

19          MR. WOODY: Okay. If I hear right, you said  
20    a certain week you might be at the bar three times.

21          MR. ABSHER: Yes.

22          MR. WOODY: And then you might get, if you  
23    are a weekend, you would be one of the days. One day  
24    of the weekend.

25          MR. ABSHER: Right, either it would be --

1                   MR. WOODY: Now, is that part of your three  
2 days you are giving me or is that --

3                   MR. ABSHER: The three days on the weekend,  
4 I come in on Friday about four o'clock, and then if  
5 I have duty that Friday night, then Saturday I would  
6 do it. And then the coxswain would relieve me for  
7 Saturday evening, and then he would do Sunday  
8 morning and then, in turn, I would come back and do  
9 for Monday morning.

10                  MR. WOODY: Okay. Your three days, say two  
11 days during the week and one day on the weekend.

12                  MR. ABSHER: Right.

13                  MR. WOODY: Okay.

14                  MR. ABSHER: And then it would switch off  
15 and on like that.

16                  MR. WOODY: Okay.

17                  MR. ABSHER: It could be more days, it could  
18 be less.

19                  MR. WOODY: Now, when you go out to the, to  
20 make the bar report, can you tell us about what  
21 conditions you look at for the purpose of any  
22 restrictions on the passage of say recreational  
23 vessels?

24                  MR. ABSHER: Okay.

25                  MR. WOODY: What do you look at?

1           MR. ABSHER: When we go out there, we have  
2     to determine, you know, it is kind of an estimate of  
3     the height, you know, because we really don't have  
4     anything out there to gauge to, gauge the height of  
5     the swells other than maybe a buoy, the red buoy  
6     that sits off, out here off the south tip, is around  
7     10 to 12 feet high. So, based on that, we will  
8     actually go out there and sit in it a little bit,  
9     and if it is calm enough, and then based on that, we  
10    will decide, you know, if it is too rough for them,  
11    if it is ebbing, what the ebb is doing to the water.

12       If it gets really, really choppy, and it gets  
13    choppy and it is maybe four to six, sometimes we  
14    will restrict it to boats 25 feet, or 30 feet and  
15    under, you know. And that is usually a judgement  
16    call on the coxswain and they in turn call the  
17    station, but the Master Chief either can concur with  
18    or if he wants to change it to a different  
19    restriction.

20           MR. WOODY: Okay. Once the Master Chief  
21    decides on the restrictions, which could be 20 feet  
22    or 30 feet type boats, how does that word put out?  
23    We saw your flashing lights.

24           MR. ABSHER: You saw them and then we do a  
25    bar broadcast, on 16 and then we switch it over to

1       22. And we also have, which is a message on the  
2       phone system, so anybody can call the number and  
3       they will get an answering machine basically and it  
4       just says what the bar restrictions are.

5               MR. WOODY: Okay. Have you ever moved out  
6       to, let's say the, I realize that you are staying  
7       out of the way of the boats that are trying to get  
8       out, but do you ever, ever have an occasion to go  
9       out near the tips and watch them go over the bar?

10              MR. ABSHER: Right, yeah.

11              MR. WOODY: You do that.

12              MR. ABSHER: But, like I was saying earlier,  
13       because it was breaking here, because if it broke  
14       and it was coming inside here, and went all down the  
15       south jetty. So, I wanted to stay about in here, in  
16       this area here, because it was pretty bad, no  
17       breaking and stuff. That is why I was over here on  
18       this side, with the jetty, of course, obstructing my  
19       view of him going out.

20              MR. WOODY: Right. Have you ever gotten  
21       where you do have a better vantage point and have  
22       you watched the boats go over the bar and of course,  
23       if you have, can you describe how they go over? How  
24       they meet the waves and what they do? Assuming that  
25       they were going out to the north, to the northwest.



1       Have you ever, I guess, the question would be, have  
2       you gotten where you could observe an outgoing  
3       charter boat go out towards the northwest?

4               MR. ABSHER: You mean going out this way?

5               MR. WOODY: Yes.

6               MR. ABSHER: Yes, usually you can. I mean,  
7       you could sit, it depends on what, like I said, what  
8       the weather was doing and if we are uncomfortable  
9       sitting, watching them to do this, you know. On a  
10      good day, obviously they can get out.

11              MR. WOODY: But, on a day where you have  
12      some swells, can you tell us anything about how they  
13      manage to go over the swells, whether they put their  
14      port bough, the starboard bough --

15              MR. ABSHER: Usually, usually they like to  
16      be in --

17              MR. WOODY: What do you observe?

18              MR. ABSHER: -- bough to it, you know, that  
19      is the way they want to do it, so they can get  
20      across it. That is the preferred way, I mean, you  
21      don't want to be going in any kind of direction --  
22      because you are going to flip over or pushed.

23              MR. WOODY: Okay. I believe I understood  
24      you to say that the Taki Too got hit inside the wave  
25      very soon after the --

1 MR. ABSHER: Yes.

2 MR. WOODY: Is that right, is that a fair  
3 statement?

4 MR. ABSHER: Right.

5 MR. WOODY: Okay. Had you seen any swells  
6 about the same size as it was coming in before she  
7 made her attempt?

8 MR. ABSHER: Oh, yeah, it was breaking, it  
9 was breaking, because they will break on the tip  
10 normally anyway, even if it is nice out. But, yeah,  
11 it was, this whole area was just nothing by white  
12 water, the whole area.

13 MR. WOODY: Okay.

14 MR. ABSHER: The north, south, here in the  
15 middle, nothing but white water.

16 MR. WOODY: What I am trying to get it is  
17 was this wave one of kind or was it typical of what  
18 was coming in?

19 MR. ABSHER: For that kind of weather, it  
20 was pretty typical.

21 MR. WOODY: Pretty typical.

22 MR. ABSHER: Yes.

23 MR. WOODY: Okay. And did you see that kind  
24 of waves typically coming in at the time she left?

25 MR. ABSHER: Absolutely.

1                   MR. WOODY: Okay. Now, when she went out,  
2                   was she still on course, what course was she on when  
3                   you last saw her?

4                   MR. ABSHER: Okay. When she went out, she  
5                   went out kind of this direction.

6                   MR. WOODY: Right.

7                   MR. ABSHER: The last time I saw her, she  
8                   turned and went this way.

9                   MR. WOODY: You saw her before she turned  
10                  right.

11                  MR. ABSHER: Yes, and that was it.

12                  MR. WOODY: I mean, you saw her --

13                  MR. ABSHER: She went out like this, turned  
14                  this way, breaker is right here, boom, well, I  
15                  didn't see it hit her, but there was just nothing  
16                  but white water at this point, and I just saw the  
17                  stern was the last point, because it was here and I  
18                  just remember thinking she is too close to the  
19                  jetty.

20                  MR. WOODY: Did you have the feeling that  
21                  the guy made a conscientious effort to turn early  
22                  for some reason or did you feel that the waves had  
23                  taken charge?

24                  MR. ABSHER: No, I think he turned early  
25                  because he was trying to avoid the break. There was

1 no where --

2 MR. WOODY: I realize this is an opinion --  
3 you have a lot of experience --

4 In good weather, when the bar is flat, how  
5 close to the people come to the north jetty, say  
6 they want to fish up north, typically what is the  
7 closest you have even seen them come to the north  
8 jetty?

9 MR. ABSHER: On a good day. Never that  
10 close. It is always, each jetty, these jetties no  
11 longer exist, other than what you see out there,  
12 because there are more rocks out in this area. And  
13 most boats when they go out, they will go out in a  
14 fairly good decent track away from the jetties  
15 before they turn.

16 MR. WOODY: Before they turn.

17 MR. ABSHER: Yes. And we usually stay at  
18 least 150 away from them.

19 MR. WOODY: Okay.

20 MR. ABSHER: Because it does, it will, even  
21 on a nice day it will, it will peak up in this area  
22 here and then break right onto the jetty.

23 MR. WOODY: Okay. Do you have any feeling  
24 to the time that you last, that you saw her make her  
25 turn and the time you didn't? State different

1 times that you are aware of that, that time. Do  
2 you recall if you looked at your watch or a clock  
3 anything like this?

4 MR. ABSHER: No, I don't.

5 MR. WOODY: Do you have any kind of idea of  
6 the time that she made her, her --

7 MR. ABSHER: No, I don't remember.

8 MR. WOODY: Okay. Okay.

9 MR. ABSHER: I was just waiting here,  
10 getting ready to make my turn towards, to go back  
11 in, when I, the tower said that they had capsized.

12 MR. WOODY: Okay. -- did that cause you to  
13 go to a higher posture, getting more ready for  
14 something?

15 MR. ABSHER: Oh, yeah. Yeah, and we did  
16 before we, they crossed.

17 MR. WOODY: Before they even crossed you  
18 were all set. But, when you saw that, the boat come  
19 so close to the north jetty, did you start getting  
20 ready to go out?

21 MR. ABSHER: No. I wanted to, no, because I  
22 had to, I just can't go rushing out there.

23 MR. WOODY: Oh, no, no.

24 MR. ABSHER: You know, and I have to, when  
25 something like that happens, you have to hold

1       yourself back from, because you want to help and in  
2       the same aspect that you can't just go running out  
3       there and put yourself in danger and hurt yourself  
4       and you are no good to anybody.

5               MR. WOODY: Okay. When you saw them heading  
6       north, which way was your boat going at that time?

7               MR. ABSHER: I was pointing in this  
8       direction.

9               MR. WOODY: Going out.

10              MR. ABSHER: I wasn't going out, I was right  
11       here --

12              MR. WOODY: But, you were pointing out.

13              MR. ABSHER: Right.

14              MR. WOODY: Okay. Now, okay, what is the  
15       next thing you did?

16              MR. ABSHER: What is that?

17              MR. WOODY: What is the next thing you did  
18       with your boat?

19              MR. ABSHER: Getting ready to make my turn  
20       around, go back in, and that is when the tower  
21       called me and I hadn't fully made my turn all the  
22       around, so I started to and then I turned back  
23       around.

24              MR. WOODY: Now, you can't go back in, what  
25       do you mean, go back in the station?

1                   MR. ABSHER: Yes, go back in towards the  
2                   tower.

3                   MR. WOODY: Toward the tower.

4                   MR. ABSHER: Yes.

5                   MR. WOODY: So, at that point, what I am  
6                   trying to get at is, it seems like you had a feeling  
7                   that he was, he might make it okay, so you thought  
8                   you would go back to your, your position at the  
9                   tower.

10                  MR. ABSHER: I don't think I had a feeling  
11                  of anybody making them okay across the bar. I just  
12                  wasn't hearing from the tower as soon as I thought I  
13                  would.

14                  MR. WOODY: I am not trying to put things in  
15                  yourself, but I am trying to get at what your state  
16                  of mind was, if you thought he had a chance of  
17                  making, which was good enough for you to go back to  
18                  the tower. Or what you thought was an automatic  
19                  accident that was going to happen.

20                  The question I am trying to ask, it goes to  
21                  your state of mind, what you thought was going to  
22                  happen at the time you saw him passing close to the  
23                  bar, on a northerly course. And I guess my question  
24                  is, what was your -- at that time? Did you think an  
25                  accident was going to happen, was it a 100 percent,

1 was it 80 percent, 50 percent, or what?

2 MR. ABSHER: Well --

3 UNIDENTIFIED SPEAKER: I am going to ask to  
4 stop here. I just don't think he can answer that  
5 question the way you are asking it.

6 MR. FORD: Which is fine. If you can't  
7 answer it, that is fine.

8 MR. WOODY: If you can't answer it --

9 UNIDENTIFIED SPEAKER: I think you have kind  
10 of pushed him, he didn't feel that the guy would  
11 make it, and I don't know how he could say that any  
12 different than the way he has already said that.

13 MR. ABSHER: Right.

14 MR. WOODY: Okay.

15 UNIDENTIFIED SPEAKER: Now it is put into a  
16 percentage category, I don't know if that is a fair  
17 question.

18 MR. WOODY: All right. I accept that. Yes.

19 Okay. I will go on then.

20 So, you get from the tower and what do you  
21 next then? Tell me one more time for me.

22 MR. ABSHER: Okay.

23 MR. WOODY: You made your turn, you went  
24 back, what part of the bar did you go through?

25 MR. ABSHER: Okay. I was still here, I



1       hadn't left this area just yet. Okay. And I was  
2       still waiting for the tower, getting ready to make  
3       my turn back in, to go back in across or go back to  
4       the tower. And when I got the call, that the tower  
5       said he had capsized, I said, okay, let's get ready  
6       and you know, to go across, you know, and I just  
7       waited there for another maybe 30 seconds until I  
8       had a window and I took it and just went out.

9               MR. WOODY: How far pass the north tip of  
10       the jetty were you before you made your turn to the  
11       right?

12              MR. ABSHER: I didn't really make a turn to  
13       the right because you have to understand everything  
14       is coming in from this direction, I want to stay  
15       square -- I don't want to be caught this way,  
16       because it is one of the -- and then I am over, too.

17              MR. WOODY: Would it surprise you that we  
18       have been hearing from charter boats up here that  
19       say when they encounter these big waves, that they  
20       take them on their port bough, going out to the  
21       north? They take it on the quarter, but they  
22       really mean on the port bough rather than be head  
23       on. Is that something that you do as a coxswain?

24              MR. ABSHER: No. Oh, well, it depends, it  
25       really depends. It depends on if it, if it is just

1 swell going through, I mean, anything that is stands  
2 up in front of me, I am going to do the best I can  
3 to square up to it and bough into it.

4 MR. WOODY: Okay.

5 MR. ABSHER: Now, if I am out there driving  
6 in nice waters and swells, then, yeah, I will take  
7 it upon the bough and right back down. It makes for  
8 a comfortable ride. But, I don't know if that is  
9 what they are referring to. It is what was out  
10 there that day, what they do.

11 UNIDENTIFIED SPEAKER: Is that something you  
12 do by choice or is that something you are trained to  
13 do?

14 MR. ABSHER: Trained. To square up to it.

15 UNIDENTIFIED SPEAKER: Right, trained by  
16 who?

17 MR. ABSHER: The surfman here.

18 UNIDENTIFIED SPEAKER: Okay. That is their  
19 policy.

20 MR. ABSHER: Yes, absolutely.

21 UNIDENTIFIED SPEAKER: Okay.

22 MR. WOODY: And in general, we have heard,  
23 in going out to the northwest the bay, to make the  
24 course to the northwest, with the waves coming in  
25 from the west, that they take them on the port bough

1 and when the waves pass, they may, if they want to  
2 go north, they actually alter their course and go  
3 more to a northerly course and then resume, come  
4 left to beat the next wave on the port bough again.

5 In other words, they kind of zig zag course out.  
6 And we have heard it described by one of the bar  
7 that saw one of them go out, he said they were go  
8 zigging out around the waves. He said around the  
9 waves.

10 I guess that is all I have.

11 MR. FORD: Anyone else?

12 MR. LAWERNSON: Yeah, I have some questions.

13 Good morning, Ken Lawernson. I apologize  
14 for walking in halfway through, so hopefully I am  
15 not going to ask any questions that have already  
16 been asked. I just want to clarify a couple of  
17 things in my mind.

18 There is an orange pendant over here on the  
19 map where the mariners can see that. That is from  
20 what I understand a small craft advisory. Is that  
21 something that you folks make a determination as to  
22 whether or not to fly that?

23 MR. ABSHER: That comes with the weather  
24 message that comes across the --

25 MR. LAWERNSON: Okay.

1 MR. ABSHER: For small craft.

2 MR. LAWERNSON: So, the decision to fly that  
3 is made by the weather service.

4 MR. ABSHER: Right, we are required to fly  
5 it.

6 MR. LAWERNSON: But, as far as who  
7 physically put that up and down, is that -- with  
8 the station. Okay. So you guys are physically  
9 moving the flag, but the decision to move the flag  
10 is made by the National Weather Service.

11 MR. ABSHER: Right.

12 MR. LAWERNSON: Okay. How often is that  
13 updated typically?

14 MR. ABSHER: Usually when, the weather comes  
15 in at 9:30, 3:30, you know, morning and afternoon.

16 MR. LAWERNSON: Okay. So, in the morning and  
17 --

18 MR. ABSHER: Yes, we check the weather, if  
19 it is still small craft, we leave it. If it is not,  
20 then we will take it down.

21 MR. LAWERNSON: Okay. Thanks.

22 When you guys were out there before you  
23 made the decision after hearing that the boat had  
24 capsized, what personal protective equipment were  
25 you guys wearing?

1 MR. ABSHER: A surf belt.

2 MR. LAWERNSON: You were wearing your surf  
3 belt.

4 MR. ABSHER: Our mustangs and our poly --  
5 underneath. And our helmets.

6 MS. KELLY: Surf belt --

7 MR. ABSHER: And goggles.

8 MR. LAWERNSON: Helmet, goggles, buddy suits  
9 and you said you guys were wearing your mustang  
10 suits instead of dry suits. Is your crew, well, let  
11 me ask you first, were you physically connected to  
12 the boat with your safety belts?

13 MR. ABSHER: Absolutely. Everybody was. We  
14 made sure.

15 MR. LAWERNSON: Okay. So, everyone on your  
16 crew was attached to the vessel?

17 MR. ABSHER: Yes, I wouldn't have gone  
18 unless they were.

19 MR. LAWERNSON: Okay. So everybody was  
20 clipped in. And everybody was wearing their  
21 helmets. And typically just so we are absolutely  
22 crystal clear, the other personal protective  
23 equipment that you guys are wearing, would that  
24 include some sort of PFD in addition to the mustang  
25 suits?

1                   MR. ABSHER: No, the mustang suit was, was -  
2                   -

3                   MR. LAWERNSON: That was the PFD. Okay. And  
4                   then you are also wearing your survival pyro, is  
5                   that correct?

6                   MR. ABSHER: Correct, and our --

7                   MR. LAWERNSON: What do you call that, SAR  
8                   vest, is that --

9                   MR. ABSHER: SAR vest is what we refer to.

10                  MR. LAWERNSON: That is the kind you refer  
11                  to. Okay. Do you recall in the holding pattern for  
12                  lack of a better word out there, before they made  
13                  their individual attempt to cross the bar, did you  
14                  see a small commercial fishing vessel called the  
15                  Amanda?

16                  MR. ABSHER: Yes.

17                  MR. LAWERNSON: Okay. Was she engaged in  
18                  this waiting?

19                  MR. ABSHER: She wasn't as close to the bar.

20                  MR. LAWERNSON: Okay.

21                  MR. ABSHER: She was four boats, four  
22                  charter vessels here, and she was back more this  
23                  way.

24                  MR. LAWERNSON: Okay. What was her actions,  
25                  if you recall, just immediately prior to when the

1       Taki Too had decided to go ahead and make their  
2       attempts?

3               MR. ABSHER: What was she doing?

4               MR. LAWERNSON: What was she doing?

5               MR. ABSHER: She was still maintaining the  
6       position.

7               MR. LAWERNSON: Okay. At the time that the  
8       Taki Too went ahead and capsized then, what did the  
9       Amanda do, if you recall?

10              MR. ABSHER: I remember the operator yelling  
11       go, go, go. And I just kind of turned around and  
12       one of my crewmen told him to go back in. Go back  
13       in further, basically.

14              MR. LAWERNSON: So the operator of the  
15       Amanda was saying, go, go, go.

16              MR. ABSHER: To us.

17              MR. LAWERNSON: To you.

18              MR. ABSHER: Yes.

19              MR. LAWERNSON: And you took that to mean?

20              MR. ABSHER: Immediately go.

21              MR. LAWERNSON: Go get them.

22              MR. ABSHER: Right.

23              MR. LAWERNSON: Okay.

24              MR. ABSHER: And I remember thinking I just  
25       can't run out here, you know. But, of course, yeah,

1       that is --

2                   MR. LAWERNSON: Okay. So, after he yelled  
3       go, go, then did they indicate that they were  
4       turning around or did you just noticed that they  
5       turned around or did you just not notice what they  
6       did?

7                   MR. ABSHER: Their bough was pointed in  
8       toward, into this direction.

9                   MR. LAWERNSON: Okay.

10                  MR. ABSHER: But, they never initiated  
11       coming out across the bar or anything like that.  
12       They just stayed in as far as I remember them doing.

13                  MR. LAWERNSON: Okay. All right. You don't  
14       specifically remember them to where you saw them  
15       turn tail and they were headed back to --

16                  MR. ABSHER: No, I don't.

17                  MR. LAWERNSON: -- to go --

18                  MR. ABSHER: No, I don't.

19                  MR. LAWERNSON: Okay. But, they did not  
20       cross the bar.

21                  MR. ABSHER: No, they didn't.

22                  MR. OLSON: Okay. Did you have a  
23       conversation with them at any time between when you  
24       arrived for the bar patrol and when the --

25                   (Change of tape.)



1                   MR. ABSHER: And he said, I am commercial,  
2                   then I recognized him as a commercial -- he was a  
3                   commercial operator.

4                   MR. LAWERNSON: Okay. I am just curious  
5                   now, did you have any other conversations with him?

6                   Did you try to talk with him, talk him out of it?  
7                   Did you, was there any other conversation --

8                   MR. ABSHER: No, no.

9                   MR. LAWERNSON: Once he said commercial,  
10                  that was it.

11                  MR. ABSHER: That was it.

12                  MR. LAWERNSON: Okay. Is it fair to say that  
13                  when the Taki Too started its maneuver out across  
14                  the bar, that you were engaged in multi tasking a  
15                  number of different things going on? I don't want  
16                  to put words in your mouth, but you were observing  
17                  the Taki Too.

18                  MR. ABSHER: Yes.

19                  MR. LAWERNSON: You were maneuvering your  
20                  vessel.

21                  UNIDENTIFIED SPEAKER: Can I get you to  
22                  reask your question of him actually give you what he  
23                  was doing, instead of you leading him through what  
24                  he was doing.

25                  MR. LAWERNSON: Thank you, thank you.

1                   Can you give me an idea of where your  
2                   attention was being balanced when the Taki, when you  
3                   observed the Taki Too starting to cross the bar?

4                   MR. ABSHER: We were already suited up and  
5                   ready to go. That was just, waiting for them to  
6                   make the decision whether or not they wanted to  
7                   cross. And as they were, as they were crossing, I  
8                   was coming up towards the tip, because it was back  
9                   here again, that they were moving back, going  
10                  across, I made my way up.

11                  UNIDENTIFIED SPEAKER: If you are looking  
12                  for him to give you more, don't -- only asking were  
13                  you using the radio, you know, were you giving any  
14                  commands? Ask your question that way.

15                  MR. LAWERNSON: Okay.

16                  UNIDENTIFIED SPEAKER: Because I know where  
17                  you are going, and what you want. Okay.

18                  MR. ABSHER: Yeah. Are you asking me if my  
19                  attention was elsewhere?

20                  MR. LAWERNSON: I am trying to get an idea  
21                  of your mental work load at the time.

22                  MR. ABSHER: Oh, focus on them. I wasn't on  
23                  the radio. I wasn't, we were just ready, you know,  
24                  we were ready to in case something happened.

25                  MR. LAWERNSON: Okay. Would it be fair to

1 say that, I know you said your attention was focused  
2 on the Taki Too, but you were also paying attention  
3 to the environment immediately --

4 MR. ABSHER: Right.

5 MR. LAWERNSON: -- near your boat.

6 MR. ABSHER: Correct.

7 MR. LAWERNSON: And to your position, for  
8 example, with respect to the jetty.

9 MR. ABSHER: Correct.

10 MR. LAWERNSON: And to the other chop and  
11 things that would be in effect, you are --

12 MR. ABSHER: Absolutely.

13 MR. LAWERNSON: Okay. At the point where the  
14 Taki Too then ducked behind the jetty so that you no  
15 longer saw the vessel, I think you said that at that  
16 point you were getting ready to go ahead and turn  
17 around. That was because?

18 MR. ABSHER: I wasn't, I would, we haven't  
19 heard from the tower at that point, so I was just  
20 kind of assuming that they made it. And I was just  
21 still waiting. And then that is when he said, they  
22 capsized.

23 MR. LAWERNSON: Okay. But, as far as your  
24 decision to turn around, would it be fair to say  
25 that at some point you were going to have to decide

1 to turn around?

2 MR. ABSHER: Yeah, because --

3 MR. LAWERNSON: You weren't going to go out  
4 to the bar.

5 MR. ABSHER: Yeah, absolutely.

6 MR. LAWERNSON: Okay.

7 MR. ABSHER: Yes.

8 UNIDENTIFIED SPEAKER: What is the normal  
9 length time that you wait from when you turn around  
10 or from the time you see a vessel go over the bar,  
11 or head out towards the bar, how long do you wait  
12 before you make that turn away from the vessel?

13 MR. ABSHER: It is usually when the tower  
14 tells me that they made it across okay.

15 UNIDENTIFIED SPEAKER: And --

16 MR. ABSHER: The time it took for them to  
17 across, it was, well, I don't, it isn't very long.  
18 It wasn't very long at all for him to get across.

19 UNIDENTIFIED SPEAKER: Okay. Are you able to  
20 give what not very long means?

21 MR. ABSHER: Maybe less than a minute, maybe  
22 a minute.

23 UNIDENTIFIED SPEAKER: Okay. So, help paint  
24 me a picture here. You saw the Taki Too turn, from  
25 the time you lost sight of his turn, how long was it

1 before you began to turn away?

2 MR. ABSHER: I would say around, maybe 20  
3 seconds, 30 seconds.

4 UNIDENTIFIED SPEAKER: And is it about that  
5 length of time for every vessel that, that you lose  
6 sight of before you turn or do you normally stay --

7 MR. ABSHER: Normally I stay.

8 UNIDENTIFIED SPEAKER: And what made this  
9 difference this time, then?

10 MR. ABSHER: I just, I don't know. I really  
11 don't know. I guess it must have been the time  
12 between the tower telling me if he had made it or  
13 not, and I was thinking that maybe he made it, the  
14 turn.

15 UNIDENTIFIED SPEAKER: Does the tower  
16 normally respond quicker than they did this time?

17 MR. ABSHER: I don't know, I can't speak for  
18 what he was seeing, so I really don't know what he  
19 was seeing, so I can't say if the boat capsized in  
20 the surf, that he was able to really tell if it did  
21 or not at that time. So, it seemed like it was, I  
22 don't know, I guess it seemed to me that he should  
23 have, you  
24 know --

25 UNIDENTIFIED SPEAKER: The things were out

1 of their norms at that point for you, when you made  
2 that decision, is that what I am hearing you say?

3 (Pause.)

4 UNIDENTIFIED SPEAKER: I am not trying to  
5 confuse you. I am just, that is fine.

6 I want to back up to, you said that you had  
7 to wait for your window to go out. Describe what  
8 that window was?

9 MR. ABSHER: Okay. You have to, it was  
10 breaking obviously, I was just waiting for the point  
11 where it wasn't breaking and that would, had to have  
12 been, it was still pretty choppy, I mean, it was  
13 still pretty steep and, and, once I didn't see  
14 anymore breaks coming in, that was the point that I  
15 took. And then when I going out, then that is when  
16 they started coming back in again.

17 UNIDENTIFIED SPEAKER: All right. So, you  
18 moved up, you had breaks, about how high?

19 MR. ABSHER: At the tips, up to eight feet  
20 and then once out, they ranged from 12 feet to up to  
21 15, sometimes, you know, it could be higher than  
22 that.

23 UNIDENTIFIED SPEAKER: So, when you were at  
24 the point there, you had eight foot breaks, this  
25 window, there was a moment there when there were no

1       breaks?   How long, length of time?

2               MR. ABSHER: It wasn't very long at all.

3       It seemed like when I went out, as soon as I decided  
4       to go, then I took that window, the breaks started  
5       coming in, but, I had enough power to get in this  
6       area over here, because they are rolling in this  
7       way, and I was out of their way by then.

8               UNIDENTIFIED SPEAKER: Okay.

9               MR. ABSHER: So, it was, being on the ebb it  
10       was just so much breaks constantly, that it was, it,  
11       I don't know maybe 10 seconds when the next one.

12              UNIDENTIFIED SPEAKER: Okay. So you are  
13       saying you had a 10 second window and you took it.  
14       Now, if you had been further back along the jetty,  
15       further south, would you have been able to see that  
16       window?

17              MR. ABSHER: No, I wouldn't have been.

18              UNIDENTIFIED SPEAKER: All right. So, the  
19       Taki Too in front of you had seen this similar  
20       window, would you have been able to see the window  
21       that the master of the Taki Too was seeing?

22              MR. ABSHER: Okay. Now you have to  
23       understand that I wasn't here at this point. I was  
24       still making my way up.

25              UNIDENTIFIED SPEAKER: Right, that is what I

1 am asking.

2 MR. ABSHER: So --

3 UNIDENTIFIED SPEAKER: If the Taki Too had  
4 seen a similar window --

5 MR. ABSHER: The Taki Too had --

6 UNIDENTIFIED SPEAKER: -- would you have  
7 been able to see it?

8 MR. ABSHER: Probably not and I don't,  
9 because I recall saying why are they going, because  
10 all I could see was breaks.

11 UNIDENTIFIED SPEAKER: Right. So, the  
12 person at the tip of the jetty will often see a  
13 break that nobody else would see.

14 MR. ABSHER: Right.

15 UNIDENTIFIED SPEAKER: Okay. All right.  
16 That kind of helps me in my mind with that a little  
17 bit.

18 MR. ABSHER: Okay. Would you say that  
19 again?

20 UNIDENTIFIED SPEAKER: So, the person who is  
21 waiting to make the run, at the tip of the jetty  
22 there, he may see a window that nobody else sees  
23 because of the distance span.

24 MR. ABSHER: Right.

25 UNIDENTIFIED SPEAKER: Okay.



1                   MR. ABSHER: You said break, I was thinking  
2                   that if you saw a break, then I would probably see  
3                   it, too.

4                   UNIDENTIFIED SPEAKER: I am sorry, a window,  
5                   break in the waves where the --

6                   MR. ABSHER: Yes.

7                   UNIDENTIFIED SPEAKER: Okay. I am glad you  
8                   do the job you do because I can't do it.

9                   Let's go to the debris.     Can you show me  
10                  on the side of the jetty there, where the vessel was  
11                  when you saw the logs around it?

12                  MR. FORD: I was going to have him mark some  
13                  of that.

14                  UNIDENTIFIED SPEAKER: Okay. Can I walk up  
15                  there again and --

16                  MR. FORD: Sure, and he can mark --

17                  UNIDENTIFIED SPEAKER: And if I am getting  
18                  into questions, why don't you go ahead ask him and -  
19                  -

20                  MR. ABSHER: Okay. Okay. I didn't see this  
21                  until after I was in the surf with Master Chief  
22                  onboard, okay.

23                  UNIDENTIFIED SPEAKER: That is fine.     That  
24                  is totally fine.     Put the chart here for him, so he  
25                  can --

1           MR. FORD: And then what I will have you do  
2           is just put arrows and what you found and where the  
3           boat was, and just mark it that.

4           MR. ABSHER: Okay. The debris that I saw was  
5           in this area here, okay, so this would be debris.

6           UNIDENTIFIED SPEAKER: Okay.

7           MR. ABSHER: And that would be logs and  
8           stuff, and then I could see their life raft in that  
9           area. And that life raft just stayed there pretty  
10          much the whole day.

11          UNIDENTIFIED SPEAKER: Could you put a one  
12          there for the, the one that is what you are saying  
13          is there. Just right next to that big --

14          MR. ABSHER: Okay.

15          UNIDENTIFIED SPEAKER: Circle it. Perfect.

16          Now, is the Taki Too in this also, or is  
17          this just logs in the life boat that you are talking  
18          about?

19          MR. ABSHER: It is, is this when I went out  
20          or is this --

21          UNIDENTIFIED SPEAKER: When you are seeing  
22          the debris here, when you saw those logs.

23          MR. ABSHER: Okay. No, the Taki Too was  
24          already up closer to the beach.

25          UNIDENTIFIED SPEAKER: Could you put a two

1       there?

2                   (Pause.)

3                   UNIDENTIFIED SPEAKER: Could you put MLB,  
4       that is right, motor like boat, where you were  
5       about?

6                   MR. ABSHER: Yes.   Okay. We were in, I will  
7       just, because we were in different areas.

8                   UNIDENTIFIED SPEAKER: Right.

9                   MR. ABSHER: Okay.

10                  UNIDENTIFIED SPEAKER: And this was about 45  
11       minutes to an hour after the --

12                  MR. ABSHER: Maybe 45.

13                  UNIDENTIFIED SPEAKER: Okay.

14                   (Pause.)

15                  UNIDENTIFIED SPEAKER: All right, right here  
16       where you have got number one marked, you are  
17       telling me you had the life boat and the logs,  
18       right?

19                  MR. ABSHER: Yes.

20                  UNIDENTIFIED SPEAKER: Were there any logs  
21       where the Taki Too was, down here?

22                  MR. ABSHER: Not that I could see.

23                  UNIDENTIFIED SPEAKER: Tell me the condition  
24       of right here is, is there any sort of vortex or  
25       eddy or anything like that?

1                   MR. ABSHER: Yes, it is a constant circle of  
2     water.

3                   UNIDENTIFIED SPEAKER: Okay. So, anything  
4     caught right here, would stay right there.

5                   MR. ABSHER: Stay there, until either it let  
6     it go or --

7                   UNIDENTIFIED SPEAKER: So, is there any way  
8     to know how long those logs had been in that debris  
9     field?

10                  MR. ABSHER: The two, five, four, was  
11     actually the one that went into, they saw it, they  
12     would be able to tell you that. I don't know.

13                  UNIDENTIFIED SPEAKER: Okay.

14                  MR. ABSHER: -- remember seeing a log going  
15     in there after, I mean, I don't know where it was,  
16     but it was in here and then it just eventually  
17     drifted back here, and it just continued to --

18                  UNIDENTIFIED SPEAKER: Okay. You saw --

19                  MR. ABSHER: But, I don't know if it was  
20     there already and it was just --

21                  UNIDENTIFIED SPEAKER: Okay.

22                  MR. ABSHER: -- rocks.

23                  UNIDENTIFIED SPEAKER: So, there is no way  
24     to know if those logs had been there overnight.

25                  MR. ABSHER: Right.

1 UNIDENTIFIED SPEAKER: Or if those had come  
2 in with the Taki Too.

3 MR. ABSHER: Right.

4 UNIDENTIFIED SPEAKER: Okay. All right.  
5 That is all the questions I have.

6 MR. FORD: Could you just sign and probably  
7 up in here, sign it, and the date, June 19, right.

8 (Pause.)

9 UNIDENTIFIED SPEAKER: I did have one more  
10 question. And I am not using the proper terminology  
11 here, but, you were fastened in with your seat  
12 belts. You had your full gear ready to go. Are you  
13 always that way every time you go out?

14 MR. ABSHER: Across the bar?

15 UNIDENTIFIED SPEAKER: No, every time you go  
16 out for, for first light, like this.

17 MR. ABSHER: No, not all the times.

18 UNIDENTIFIED SPEAKER: What makes the  
19 determination whether or not you are strapped in  
20 like that?

21 MR. ABSHER: The conditions of the bar. And  
22 that would have been one of the days that the  
23 conditions were.

24 UNIDENTIFIED SPEAKER: When do you make that  
25 determination to do that?

1                   MR. ABSHER: We didn't have them on at the  
2                   time, I think I made the determination when I did  
3                   fully realize that they were not going to turn  
4                   around and go home. And that was probably about,  
5                   maybe, 15, 30 minutes before they decided to go.

6                   UNIDENTIFIED SPEAKER: Do you ever have a  
7                   discussion with the charter boats captains about why  
8                   they are out there and what you consider a rough  
9                   bar?

10                  MR. ABSHER: On the radio with them?

11                  UNIDENTIFIED SPEAKER: On the radio.

12                  MR. ABSHER: No.

13                  UNIDENTIFIED SPEAKER: Have you ever had a  
14                  discussion with them back here at the docks?

15                  MR. ABSHER: No.

16                  UNIDENTIFIED SPEAKER: Okay. So you never  
17                  entered in dialogue at all with any of the charter  
18                  boat captains?

19                  MR. ABSHER: No, not me, personally, no.

20                  UNIDENTIFIED SPEAKER: Okay. One other  
21                  thing. Woody asked you about would you surprise  
22                  about the maneuvers they take with going into the  
23                  wave. Have you ever observed any of the charter  
24                  boats vessels when they go out, quartering up to the  
25                  waves? And I am speaking strictly the charter

1 boats.

2 MR. ABSHER: Okay. I think, when they go out  
3 across here, I mean, they don't want to go directly  
4 out, they don't want to do that because it is just  
5 worse. Then they want to get out. So, if they are  
6 quartering it, then it would make sense. So, I  
7 don't ever remember seeing another, you know, I  
8 don't, I don't, you know, I mean, it is not what I  
9 do. I don't know --

10 UNIDENTIFIED SPEAKER: Have you ever seen  
11 them quarter other than making an angle move to get  
12 into the channel and out? And again, I may be  
13 asking the question in the wrong manner.

14 (Pause.)

15 MR. ABSHER: I mean, because typically, you  
16 know, if they are here and they going out, then,  
17 yeah, they would be quartering it because they are  
18 coming in this way, in this direction, you know.  
19 So, just by going out, they would be quartering from  
20 north of their port bough.

21 UNIDENTIFIED SPEAKER: Okay. Do you ever  
22 observed them once they have made the move out and  
23 they are in the channel? Do they, other than the  
24 first turn they make to go out, are the rest of the  
25 square up or do they still continue to quarter?

1           MR. ABSHER: They still continue to go out,  
2 unless and then they reach a certain point and then  
3 sometimes they will turn.

4           UNIDENTIFIED SPEAKER: Okay. So you have  
5 observed them, for them to get out of here, then it  
6 is fair to say they have to quarter?

7           MR. ABSHER: I guess in, I guess they would  
8 have to.

9           UNIDENTIFIED SPEAKER: Okay.

10          MR. ABSHER: Because, I mean, like I said,  
11 you won't be able to just go straight out, across  
12 the bar and all the way out in this area here, that  
13 is not where you want to go.

14          UNIDENTIFIED SPEAKER: Okay.

15          MR. ABSHER: You are going to have to make  
16 your turn.

17          UNIDENTIFIED SPEAKER: Okay. All right.

18          UNIDENTIFIED SPEAKER: I want to ask a  
19 couple of questions.

20                 In your training to get qualified and to  
21 acquire your heavy weather skills, do you guys  
22 practice, and I am not sure exactly what you guys  
23 would call it, but let me describe to you, and maybe  
24 you can put a name on it. A lateral cross across a  
25 surf zone where if the waves, for example, are



1 coming to the left, you want to primarily transfer  
2 either to the north or to the south.

3 MR. ABSHER: Okay.

4 UNIDENTIFIED SPEAKER: Is that a skill that  
5 you guys practice?

6 MR. ABSHER: Lateralizing.

7 UNIDENTIFIED SPEAKER: Lateralizing is what  
8 you call it. Okay.

9 Why would somebody want to lateral if, if I  
10 wanted to go, let me think of how to phrase this  
11 question.

12 (Pause.)

13 UNIDENTIFIED SPEAKER: Is lateralizing what  
14 the Taki Too did that day?

15 UNIDENTIFIED SPEAKER: That is, okay. Would  
16 you characterize that turn to the north when they  
17 cleared the jetty tip and they are now trying to  
18 exit to the north, would that be analogous to what  
19 we are talking about with, as a lateral?

20 MR. ABSHER: I guess in some ways, yes, it  
21 would be.

22 UNIDENTIFIED SPEAKER: Okay. When you guys  
23 practice lateralizing, do you try to avoid having to  
24 come up square to the next swell and taking it  
25 directly on your bough?

1           MR. ABSHER: Right. We are, yeah, in  
2       certain amount, yeah, that is what we do.

3           UNIDENTIFIED SPEAKER: Okay.

4           MR. ABSHER: That is the whole idea of it,  
5       but, we are, I mean, we are there to train in it,  
6       obviously, and to take some, I mean, you are not  
7       going to avoid all of them. You are going to have  
8       to eventually deal with them, but yeah, essentially,  
9       if you can avoid them, that is what you want to do.

10          UNIDENTIFIED SPEAKER: Okay. If you wanted  
11       to avoid having to come up, typically what would you  
12       need to do in order to not have to come up to square  
13       off on the next swell coming in? Is there an  
14       alternative that you can do? Is there --

15          MR. ABSHER: Well, if you, well, if you are  
16       taking breaks and I am not sure -- If you are taking  
17       breaks, you are going to have to take them if that  
18       is the case, you know, and then you are going to  
19       have to wait until you have got it clear because you  
20       are not going to turn when a break is coming in,  
21       until you get somewhat of a lull or an area that is  
22       kind of, a window to move in.

23          UNIDENTIFIED SPEAKER: I guess what I am  
24       asking you is in your experience doing a lateral  
25       movement at some point are the, is the incoming

1 swell overtaking you as you are heading across it to  
2 where sooner or later you are going to have to come  
3 up and into it with your bough, or take it  
4 broadside?

5 MR. ABSHER: Could you say that again, I am  
6 sorry?

7 UNIDENTIFIED SPEAKER: Okay. Is it in your  
8 experience typical that when you are lateralizing  
9 across a surf zone, that the incoming swells at some  
10 point are going to overtake you and at that point  
11 you would have had to decide either I come up into  
12 it with my bough or I take it on my beam, having not  
13 done anything?

14 MR. ABSHER: Not on the beam, no. I would  
15 turn into it and it is all about timing.

16 UNIDENTIFIED SPEAKER: But, there does come  
17 a point where the incoming swell is going to  
18 overtake you and force you to make that decision.

19 MR. ABSHER: Yes, and you are constantly  
20 watching it and if that is the case, then you are  
21 going to turn. You are going to turn balances.

22 UNIDENTIFIED SPEAKER: Okay. Is --

23 MR. ABSHER: Either, either you slow down  
24 and let it go by, if you can, or you go, usually if  
25 it is here, and you see it building, and it is going

1 to break, that is when we are going to turn, okay.  
2 Even if we don't turn right in front of it, we stop,  
3 we either let it go by or we slow down and let it go  
4 pass. Or if there is another one behind it, then  
5 that is the one we are going to ready for. Okay.  
6 That is typically what we do.

7 UNIDENTIFIED SPEAKER: Okay.

8 MR. ABSHER: But, if, now, if it is back  
9 here, like it is on the beam and it is breaking, and  
10 it is not going to hit us, and we know it is not,  
11 then we will just keep on moving.

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. ABSHER: And then if it, and then  
14 because what we are really watching is -- not really  
15 what is here and what is back here.

16 UNIDENTIFIED SPEAKER: But, where you are  
17 going to be in 10, 15 seconds.

18 MR. ABSHER: Yes, right.

19 UNIDENTIFIED SPEAKER: Okay.

20 MR. ABSHER: But, we are aware of that, that  
21 is why everybody is talking to each other.

22 UNIDENTIFIED SPEAKER: Okay. Would there  
23 ever be a case, you know, in your training or in  
24 your experience, when you are lateralizing when you  
25 would decide to go ahead and put your stern to the

1 swell that is coming in, instead of turning up into  
2 your bough, and taking it on your bough, turn away  
3 from it and take it on your stern?

4 MR. ABSHER: I have never done that. I  
5 have seen them practice it that way. But, no, I  
6 wouldn't do it.

7 UNIDENTIFIED SPEAKER: You wouldn't do it  
8 because it is, why wouldn't you not do it?

9 MR. ABSHER: I am not, you know, I am not as  
10 proficient at all of this as the surf -- and that is  
11 why I wouldn't do it.

12 UNIDENTIFIED SPEAKER: So, it is a more  
13 difficult maneuver.

14 MR. ABSHER: Right. I mean, you know, they  
15 are good at it. I mean, they know exactly what they  
16 are doing, so, I mean, I am saying for my  
17 comfortable level, I wouldn't do it.

18 UNIDENTIFIED SPEAKER: Okay.

19 UNIDENTIFIED SPEAKER: Just a few questions  
20 and then I am through, I promise. Okay.

21 When the Taki Too went out and was there  
22 any situation, let's say he is in the trough, and he  
23 suddenly got the breaks, is there any place for him  
24 to go back towards the beach? Could he have turned  
25 to go stern to?

1 MR. ABSHER: No, no.

2 UNIDENTIFIED SPEAKER: So, that is not an  
3 option for him?

4 MR. ABSHER: No. No. He would be insane.  
5 This would be crazy, it gets worse as you --

6 UNIDENTIFIED SPEAKER: I -- Okay. I  
7 understand. Okay.

8 Now, my other question would be as the  
9 Coast Guard coxswain, if you were to take one on the  
10 beam like that, is there action, you said you would  
11 rather speed up or slow down.

12 MR. ABSHER: Okay. If you --

13 UNIDENTIFIED SPEAKER: Right. But, if you  
14 took one on the beam, what would the Coast Guard say  
15 to you, about you, basically, I guess about your  
16 skills, is there fallout for taking it on the beam?

17 MR. ABSHER: I, I, what do you --

18 UNIDENTIFIED SPEAKER: Do you understand  
19 what I am trying to ask?

20 UNIDENTIFIED SPEAKER: I think so.

21 If you were doing lateral maneuver and that  
22 you got to that decision, that decision point where  
23 you needed to turn and put your bough up to the  
24 incoming swell, and for whatever reason you did not  
25 do that, and you had that incoming swell then now

1 take you on your beam, what typically would be the  
2 repercussions to you as the coxswain? Is that what  
3 you are asking?

4 UNIDENTIFIED SPEAKER: Right.

5 MR. ABSHER: From?

6 UNIDENTIFIED SPEAKER: From your command  
7 here?

8 UNIDENTIFIED SPEAKER: A disciplinary type.

9 UNIDENTIFIED SPEAKER: Is there any  
10 disciplinary action for not timing it right?

11 MR. ABSHER: No, because it is a trained  
12 environment, you know, you are taking certain amount  
13 of risks when you are out there training.

14 UNIDENTIFIED SPEAKER: No, I am talking  
15 about in your working the bar.

16 MR. ABSHER: Would they --

17 UNIDENTIFIED SPEAKER: Would there have been  
18 disciplinary action against you for having taken one  
19 of the beam line?

20 MR. ABSHER: I am sure we would have talked  
21 about it, but, I probably wouldn't have been  
22 disciplined for it.

23 UNIDENTIFIED SPEAKER: Okay.

24 MR. ABSHER: I mean --

25 UNIDENTIFIED SPEAKER: No formal discipline.

1       You get a reaming basically.

2               MR. ABSHER: Yes, I mean --

3               UNIDENTIFIED SPEAKER: Okay.

4               MR. ABSHER: One I think that --

5               UNIDENTIFIED SPEAKER: So, they wouldn't go,  
6       okay, you are no longer a heavy water coxswain?

7               MR. ABSHER: Well, no, well, you have to  
8       understand that they have a lot of faith in me and a  
9       lot of respect for me being out there. They are the  
10      ones who sign my letter, I mean, I don't make those  
11      decisions typically to do things like that. So,  
12      that is where, you know, if it happened, okay, then  
13      I must have made a mistake to take it on my beam,  
14      because we are trained not to.

15              UNIDENTIFIED SPEAKER: Okay.

16              MR. ABSHER: I mean, you don't, that is  
17      typically what you don't want to do. But, if I was  
18      out there, I mean, I have got to say if I was out  
19      there messing around and being ridiculous or  
20      something and wasn't paying attention, then either,  
21      yeah, if I would continue doing those things like  
22      that, then eventually there would be a disciplinary  
23      action.

24              UNIDENTIFIED SPEAKER: Okay.

25              MR. ABSHER: I would think so, anyway, you



1 know.

2 UNIDENTIFIED SPEAKER: If that had been your  
3 vessel not the Taki Too, and that had happened.

4 MR. ABSHER: Okay. I think I see where you  
5 are going with this.

6 UNIDENTIFIED SPEAKER: What would have been  
7 the repercussions?

8 MR. ABSHER: I probably wouldn't have a  
9 license to drive the boat anymore. Because there  
10 would have been no reason for me to go out there.

11 UNIDENTIFIED SPEAKER: I have one. Do you  
12 know what channel, VHF channel, the charter boats  
13 used to communicate with each other?

14 MR. ABSHER: I know, I believe, I know 19.

15 UNIDENTIFIED SPEAKER: Nineteen. Have you  
16 ever heard that they use 79?

17 MR. ABSHER: They could, yes.

18 UNIDENTIFIED SPEAKER: Do you have --

19 MR. ABSHER: No, not.

20 UNIDENTIFIED SPEAKER: Okay. So you weren't  
21 --

22 MR. ABSHER: Yes, because I --

23 UNIDENTIFIED SPEAKER: Okay. Thank you.

24 UNIDENTIFIED SPEAKER: In your training, in  
25 your experience, when you are lateraling across that

1 surf area, you make the decision now that you have  
2 to meet the incoming wave and you go ahead and bring  
3 your bough up, can you describe what typically you  
4 are doing with your throttle?

5 MR. ABSHER: Okay. Okay. What is going to  
6 happen is, is what we refer to as a heavy weather  
7 term, because it seems to, what we do is, we want to  
8 pivot the boat as quick as you can. Because the  
9 boat won't react on both throttles, because it is  
10 just going to make a big turn, is what it is going  
11 to do. And that is not what you want. You want to  
12 pretty much stop in that same area that you are  
13 going to turn into to meet it. So you are going to  
14 have one ahead, and then you are going to bring one  
15 back across your head, depending on which direction  
16 you are turning and you know, what is going to bring  
17 back. And then boat will start turning. Once you,  
18 well, if you are already laterally like this, your  
19 beam to it, so you are just going to go into a pivot  
20 and pivot the boat as quickly as possible.

21 UNIDENTIFIED SPEAKER: And through that --

22 MR. ABSHER: Right.

23 UNIDENTIFIED SPEAKER: That is all.

24 MR. ABSHER: If it is like this and we are,  
25 and we know it is going to hit us here, we are just

1       going to keep that power on, to get the bough up and  
2       over because we don't want, you know, to take it  
3       with us.

4                   UNIDENTIFIED SPEAKER: Okay.

5                   MR. ABSHER: But, if it is here and we meet  
6       it, and we are going to, we know it is just getting  
7       go right up like this, we are not going to go full  
8       power ahead. It is either, we are going to just  
9       clutch ahead just a little bit, meet up to it, and  
10      then we are just going to have some power to get us  
11      over. Because you don't want to go flying over top  
12      of it and it is just going to gauge on how much  
13      power we use, depending on how big it is.

14                   UNIDENTIFIED SPEAKER: Okay.

15                   UNIDENTIFIED SPEAKER: Any questions?

16                   MR. FORD: You make that decision, can you  
17      pick that up because that is one our witnesses, I  
18      think. That is a local telephone number.

19                   (Pause.)

20                   MR. FORD: When you have decided that it is  
21      that time to go ahead and square up and you have  
22      made your pivot, would there be, would there be any  
23      times where you would actually want to put the boat  
24      into reverse, to time or coincide with, would there  
25      be a time when you are squared up, that you would

1 want to put the boat in reverse?

2 MR. ABSHER: One, is you have to got to take  
3 into account of how shallow it is behind you and you  
4 obviously don't want to back into any shallow water,  
5 but, usually, you know, try to work in a pretty good  
6 area. We don't have to, you know -- But, one, if  
7 it steeps up, and we know that it is going to break,  
8 either we meet it, it depends on how far back it is.

9 I mean, if it here and it steeps up, and it has not  
10 broke yet, then obviously you are not going to back  
11 down on that, because just all the power is coming  
12 down on you then. Because it breaks and you are  
13 backing down, you are over. Now, if it is out here  
14 and it steeps up and you are here, and it steeps up,  
15 if you want to back down for it, to let it go ahead  
16 and break in front of you here, to where it spins  
17 all its power and then drive through it. And,  
18 yeah.

19 MR. FORD: Okay. So, it could be fair to say  
20 that if you are looking at that wave after you are  
21 squared up, and you are thinking that it is going to  
22 break ahead of you, you might want to reverse the  
23 boat to make sure that it breaks ahead of you.

24 MR. ABSHER: Yes. So, it, you know --

25 MR. FORD: Is it fair to say that you don't

1       want it to break on you, and --

2               MR. ABSHER: But, if it is here, and it is  
3       not going to break, then you are going to have  
4       either drive through it and go over it.

5               MR. FORD: Okay. What is your exact rate?

6               MR. ABSHER: Boatswain, Second Class.

7               MR. WOODY: You are not a --

8               MR. ABSHER: Coxswain.

9               MR. WOODY: Coxswain, okay.

10              MR. FORD: Okay. That sounds good. Thank  
11       you very much. We appreciate your time.

12              (Whereupon, the interview was concluded.)